

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SHERI DOUGHERTY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 05-4145-SAC
)	
)	
CITY OF STOCKTON d/b/a)	
SOLOMON VALLEY MANOR,)	
)	
Defendant.)	
)	
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PROTECTIVE ORDER

This matter comes before the court on defendant’s motion for protective order (Doc. 15), seeking entry of a protective order to govern the use and dissemination of confidential information obtained by the parties during discovery, and plaintiff’s motion for protective order (Doc. 25), seeking to supplement the protective order proposed by defendant. The parties have now all indicated to the court that they have no objections to each other’s proposals. Therefore, the court, having reviewed the parties respective motions, finds good cause that each motion to be, and they are hereby, granted and enters the following protective order.

Plaintiff desires to discover the following types of information:

1. Employment files of employees of defendant that are not parties to this action.

Such information contains private confidential information concerning persons not party to this action and the revealing of the information concerning them could expose those persons and or defendant or its present employees to embarrassment, ridicule, claims and lawsuits and result in irreparable harm to those persons or defendant and its employees.

The parties agree and stipulate that any such information furnished to the plaintiffs, shall be maintained in confidence by plaintiff's attorneys, shall not be revealed, used or disclosed in whole or in part by the plaintiff, or her attorneys, agents, employees or representatives, to any person or entity without prior written consent of the defendants or court order.

Before any information produced pursuant to and covered by this order is disclosed to the plaintiff or any agents, employees, representatives or expert witnesses of the plaintiff or her attorneys, the attorney or person disclosing the information shall tender a copy of this order to each such person and each such person shall certify by a sworn statement as set forth in the Acknowledgment (attached hereto as Ex. A) that he/she has read and understands this order, agrees to comply with its terms, and, only for the purpose of securing compliance with its terms, irrevocably submits his/her person to the jurisdiction of this court. The party providing the information to such person shall retain custody of the sworn statement of each such person. Such statements shall be provided to the disclosing party upon written demand.

In the event plaintiff seeks to file of record information produced pursuant to and covered by this order, plaintiff's attorney shall first seek court approval or the agreement of defendant's attorneys. In no event shall any documents be permitted to be filed under seal without an order of the court authorizing such filing.

Nothing in this order prohibits the plaintiffs or their attorneys from using any documents or information, otherwise subject to this order, that has already been placed in the record by defendants. However, such information may only be used purposes of prosecuting or defending this case.

Within 30 days following the completion of trial or other final disposition of this case, the

plaintiff shall return to defendants, upon their requests, all information produced pursuant to and covered by this order, including all copies and summaries thereof, which are in possession of the plaintiffs, their attorneys, employees, agents, representatives and/or expert witnesses.

WHEREFORE, for good cause shown, it is hereby ordered the above stipulation of the plaintiff and defendants should be and are hereby incorporated in their entirety as the order of this court. All provisions of this protective order shall remain in full force and effect until further order of this court.

Ordered this 13th day of June, 2006, at Topeka, Kansas.

s/K. Gary Sebelius _____
K. Gary Sebelius
U.S. Magistrate Judge

EXHIBIT A

ACKNOWLEDGMENT

The undersigned, in connection with the case of Sherie Dougherty v. City of Stockton d/b/a Solomon Valley Manor, United States District Court Case No. 05-4145-SAC, hereby acknowledges that she/he has read the Protective order entered in this case, that she/he understands the provisions prohibiting the disclosure or other use of Confidential Information, and that she/he agrees to abide by it and to be bound by the provisions of the Protective Order. The undersigned further acknowledges that failure to comply with the provisions of this Protective Order may be punishable by contempt of court and may result in civil liability to any party or person damaged thereby.

Dated: _____

Subscribed and sworn to before me
this ____ day of _____, 2006.

Notary Public